



To the Honorable Council
City of Norfolk, Virginia

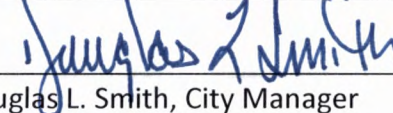
October 9, 2018

From: Leonard M. Newcomb III, Interim Director,
Department of City Planning

Subject: Eliminate the requirement for yard sale permits, allowing special police officers to enforce, and prohibiting more than four yard or garage sales per calendar year per property

Reviewed: 
Wynter C. Benda, Chief Deputy City Manager

Ward/Superward: Citywide

Approved: 
Douglas L. Smith, City Manager

Item Number: R-2

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is an ordinance to repeal sections 38-128 through 38-133 regarding yard or garage sale permits, to amend and reordain section 38-105, and to add one new section, 38-113, of the *Norfolk City Code, 1979*, so as to delete the requirement for yard sale permits, allowing special police officers to enforce, and prohibiting more than four yard or garage sales per calendar year per property.

IV. **Analysis**

The Office of the Commissioner of the Revenue has been handling the collection of Yard and Garage Sale Permits for more than 25 years. The fee of \$5.00 has not increased in those 25 years. In light of the increase of digital methods of selling consumer goods, yard sale applications have become functionally burdensome both in permitting and policing. It is no longer feasible to process and collect yard sale permits in this manner. The ordinance deletes the requirement for a yard sale permit but provides that no more than four yard sales per calendar year are allowed on a property.

V. **Financial Impact**

If the ordinance is approved, the City will no longer collect the \$5.00 yard and garage sale permit fee.

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the City Attorney's Office and the Commissioner of the Revenue.

Supporting Material from the City Attorney's Office:

- Ordinance

Agenda Overview:

Eliminate the requirement for yard sale permits, allowing special police officers to enforce, and prohibiting more than four yard or garage sales per calendar year per property.

If approved, this agenda item will repeal sections 38-128 through 38-133 regarding yard or garage sale permits, to amend and reordain section 38-105, and to add one new section, 38-113, of the *Norfolk City Code, 1979*, so as to delete the requirement for yard sale permits, allowing special police officers to enforce, and prohibiting more than four yard or garage sales per calendar year per property. Approval is recommended.

Doug, please approve text for Agenda Overview

☐ Approved

☐ Approved with changes

From Department Head to City Manager:

- The Office of the Commissioner of the Revenue has been handling the collection of Yard and Garage Sale Permits for more than 25 years.
- The fee of \$5.00 has not increased in those 25 years.
- In light of the increase of digital methods of selling consumer goods, yard sale applications have become functionally burdensome both in permitting and policing. It is no longer feasible to process and collect yard sale permits in this manner.
- The ordinance deletes the requirement for a yard sale permit but provides that no more than four yard sales per calendar year are allowed on a property.

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT. PLANNING

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REPEAL SECTIONS 38-128 THROUGH 38-133 REGARDING YARD OR GARAGE SALE PERMITS, TO AMEND AND REORDAIN SECTION 38-105 AND TO ADD ONE NEW SECTION 38-113 OF THE NORFOLK CITY CODE, 1979, SO AS TO DELETE THE REQUIREMENT FOR YARD SALE PERMITS, ALLOWING SPECIAL POLICE OFFICERS TO ENFORCE, AND PROHIBITING MORE THAN FOUR (4) YARD OR GARAGE SALES PER CALENDAR YEAR PER PROPERTY.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 38-128 through 38-133 of the Norfolk City Code, 1979, are hereby repealed.

Section 2:- That Section 38-105 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 38-105. Enforcement of article.

The provisions of this article shall be enforced jointly by the police department and any special police officer.

Section 3:- That Section 38 of the Norfolk City Code, 1979, is hereby amended and reordained to add one new subsection numbered and to read as follows:

Sec. 38-113. Limitation of number of yard or garage sales each year.

It shall be unlawful for any person to conduct or stage any yard or garage sale on any property more than four (4) times in a calendar year. For purposes of this section, calendar year shall mean January 1st to December 31st.

Section 4:- That this ordinance shall be in effect from and after its adoption